

Atty Alabart, Javier A. (for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
 Atty Ruiz, Eddie (co-counsel by association for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
 Atty Fanucchi, Edward L. (for Maria Luisa Sanchez, Respondent, purported spouse)
 Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)
 Atty Williams, Robert; Perez, Holley, of Perez, Williams & Medina (*Request for Special Notice* filed 11/17/2009)

Status Conference Re: Trial Setting for Petition to Vacate

DOD: 5/14/2004		<p>ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ, parents, filed a <i>Petition to Vacate, Void, Strike and Revoke Any and All Prior Orders Adverse to Petitioners After the March 12, 2007 Order of Distribution, etc.</i>, on 8/17/2010.</p> <p>Petitioners seek to have reinstated the <i>Order Settling First and Final Account and Report of Administrator and Allowing Ordinary Commissions and Fees and for Distribution</i> signed on 3/12/2007, finding that distribution of the remaining estate in the amount of \$189,958.21 is to be made by the Public Administrator to the Petitioners.</p> <p>Petitioners seek to have vacated all orders adverse to Petitioners after the 3/12/2007 <i>Order</i>, including but not limited to the following:</p> <ul style="list-style-type: none"> The <i>Order on Motion for Reconsideration of First and Final Account...and for Distribution</i> signed on 10/12/2007, which revoked the <i>Order Settling First and Final Account</i> and reopened the matter to allow presentation of evidence of the events which took place in the Probate Case in Mexico; The <i>Minute Order</i> dated 11/5/2007 on the <i>Motion/Petition for Reconsideration</i> stating that the Court confirms that it had previously granted the motion for reconsideration on 10/12/2007 and specifically made a finding that the Mexico decree is the valid one; Court approved a preliminary distribution to MARIA LUISA SANCHEZ in the amount of \$103,000.00, with Attorney Fanucchi to prepare an order as to the said distribution. <p align="center">~Please see additional page~</p>	NEEDS/PROBLEMS/COMMENTS:
			Page 1B is the Status Hearing Re: Accounting.
Cont. from 071211, 083011, 101811			<u>Continued from 10/18/2011.</u> <i>Minute Order</i> states the Court directs Mr. [Robert] Williams to contact Mr. Alabart regarding the next hearing date. If Mr. Alabart is unavailable on 11/6/2011, all counsel are to confer among one another and agree on another date.
Aff.Sub.Wit.			<p>Note: Notice of Continued Hearing filed on 10/18/2011 by Attorney Eric V. Grijalva for Attorney Holley Perez gives notice that this hearing has been continued to 11/16/2011; <i>Proof of Service</i> shows this <i>Notice</i> was mailed to Attorney Kruthers, Attorney Fanucchi, Attorney Alabart, Attorney Rosa Maria Rodriguez Morado (Mexico), and Respondent Maria Luisa Sanchez (Mexico) on 10/18/2011.</p>
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 11/8/11	
		Updates:	
		Recommendation:	
		File 1A – Banda-Nieto	

Order After Hearing signed on 5/4/2011 re: the hearing on the *Petition to Vacate* held on 4/26/2011 finds that after an in-chambers meeting with Attorneys Fanucchi and Alabart the Court orders:

1. That the attorneys meet to decide upon issues which are solely legal and issues which are solely factual or mixed factual and legal;
2. The parties are to report in writing to the Court and confer with the Court; and
3. The parties will appear for a Status Hearing on 5/10/2011 at 9:00 a.m.

Status Report filed on 5/6/2011 by Attorney Alabart states:

- It was agreed per *in camera* discussions that Attorney Fanucchi, on behalf of **MARIA LUISA SANCHEZ**, and Attorney Alabart, on behalf of the Petitioners **ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ**, would meet and confer to determine what issues raised in the *Petition to Vacate* and in the papers in support, and in the opposition to the *Petition*, can be decided by this Court as matters of law;
- In compliance with the Court's instructions he hand-delivered to Attorney Fanucchi his meet-and-confer letter dated 5/4/2011 (*copy attached as Exhibit A*), in which he set forth the issues he believes can be dispositive of the issues raised in the *Petition* as a matter of law, as follows [*in brief sum*]:
 1. Was Maria Sanchez' *Petition for Reconsideration* filed 4/20/2007 barred by the 120-day statute of limitations provided for in Probate Code § 8270(a) prohibiting her from challenging the Will admitted to probate in this case on 3/28/2006? (Because the Will was admitted to probate on 3/28/2006, the statutory 120 days would have run on 7/26/2006.)
 2. That the Mexican court proceeding is an intestate proceeding (per the final order in the Mexican Court which clearly identifies the proceedings before it as intestate);
 3. That absent a valid probated Will subsequent to the Will of 10/16/1997 admitted to probate in this Court, Maria Sanchez has no standing as an alleged Concubine superior to the Petitioners' right to recovery under the Will admitted to probate in this Court;
 4. That the California Will governs distribution of the Decedent's estate in California;
 5. That the Court's order of 11/5/2007 is void on its face because:
 - (a) the 8/27/2007 *Minute Order* was never served as specifically ordered by the Court;
 - (b) Petitioners were not served with any orders of this Court subsequent to the 8/27/2007 *Minute Order*;
 - (c) the distribution granted by the Court of **\$103,000.00** on 11/5/2007, and the purported finding by the Court that the Mexican order was valid and binding on this Court, exceeded the prayer for relief in the *Motion for Reconsideration* which only requested the matter be reopened for presentation of evidence of events which took place in the probate case in Mexico; therefore, the relief granted had not been properly requested and thus the order went beyond the scope of the only relief that was requested, i.e. the matter be reopened;
 - (d) the 5/31/2005 Mexican Court order should not and could not be granted comity because it was not a final order;
 - (e) Attorney Karl Schnetz was not the attorney of record for Petitioners in this matter and notices to him do not satisfy due process requirements; there has never been any appearance by Attorney Schnetz before this Court wherein he stated he represented Petitioners, nor has he filed any document with this Court on behalf of Petitioners; and
 - (f) a finding was never made by this Court on the merits that the alleged 5/31/2005 Mexican Court order was valid and binding upon this Court; the Court's file is completely absent of any motion or request for a finding that the Mexican order of 5/31/2005 is valid, and there was never a finding that the said Mexican order was valid or binding on this Court.

~Please see additional page~

Status Report filed on 5/6/2011 by Attorney Alabart, continued:

- In his 5/4/2011 letter to Attorney Fanucchi, he also directed Attorney Fanucchi's attention to the fact that there are several factual issues that can be determined as matters of law because they have either been admitted by Attorney Fanucchi or his client or because no evidence to the contrary has been submitted; these are:
 1. That it was misrepresented to this Court by Maria Sanchez through Attorney Fanucchi that a subsequent Will was probated in Mexico;
 2. That Maria Sanchez's attorney, **ROSA MARIA ROGRIGUEZ MORADO**, had notice of these proceedings on or before 8/23/2005; phone records provided to this Court through Attorney Fanucchi by Rosa Morado show that she was in contact with Heather Kruthers as early as 8/23/2005 regarding the proceedings before this Court;
 3. Under the law of the country of Mexico, no valid legal marriage ever existed between Maria Luisa Sanchez and the Decedent;
 4. Under the law of the Mexican State of Guanajuato (GTO), Mexico, no valid legal marriage ever existed between Maria Luisa Sanchez and the Decedent, and under the law of the Mexican State of Guanajuato (GTO) there is no recognition of the concept of common-law marriage or common-law wife or putative spouse;
 5. Since Maria Sanchez under the law of the Mexican State of Guanajuato (GTO) is not the wife, widow, or putative spouse of the Decedent, she cannot be considered a wife, widow or putative spouse under California law; and Maria Sanchez could not be considered a putative spouse even under California law since she did not have a good faith belief that she was validly married;
 6. No Will of the Decedent was ever found to be valid or was ever probated by any court in Mexico; the Mexican proceedings are intestate because no Will of the Decedent was ever probated in Mexico;
 7. Maria Sanchez inherited in Mexico as an alleged "concubine" by intestate succession and not as a result of any Will of the Decedent being probated; under the law of the Mexican State of Guanajuato (GTO), Maria Sanchez is not a putative spouse of Decedent;
 8. The 5/31/2005 Mexican Court Order was not a final order, and no longer has any legal effect in that it was superseded by a 5/20/2010 order of the same court recognizing Petitioners as lawful heirs of Decedent.
- In his 5/4/2011 letter to Attorney Fanucchi, he did not address factual issues or issues of mixed law and fact since a specific finding on those issues is not necessary unless the Court is unable to rule in favor of the Petitioners as a matter of law;
- In his 5/4/2011 letter to Attorney Fanucchi, he requested that Attorney Fanucchi respond by no later than 5:00 pm on 5/5/2011 because of the hearing set for 5/10/2011; as of the filing of this *Status Report*, he has not received any correspondence, phone call, or response of any kind from Attorney Fanucchi indicating that he disagrees with the issues that he believes can be determined as matters of law by the Court.
- **Attached as *Exhibit B* to Attorney Alabart's *Status Report* is the *Reporter's Transcript* from the hearing on 12/15/2010.**

Attorney Alabart requests the Court find as follows:

1. The issues stated in this *Status Report* are not in controversy; and
2. The Court grant the relief requested in the *Petition* as follows:
 - (a) That all orders entered by the Court adverse to the Petitioners be declared void and ordered stricken, revoked and vacated;
 - (b) That the *Order for Preliminary Distribution* made by this Court on 11/5/2007 and signed on 4/4/2008 to Maria Luisa Sanchez in the amount of **\$103,000.00** be declared void and ordered stricken, revoked and vacated;

~Please see additional page~

Attorney Alabart requests the Court find, continued:

- (c) That Maria Luisa Sanchez' attorneys Edward L. Fanucchi and Rosa Maria Rodriguez Morado are jointly and severally ordered to return the entire distribution made to Maria Luisa Sanchez pursuant to the *Order for Preliminary Distribution* made by this Court on 11/5/2007 and signed on 4/4/2008 in the amount of **\$103,000.00** with interest at the legal rate to the Fresno County Public Administrator;
- (d) That the 3/12/2007 [*Order Settling First and Final Account and Report of Administrator and Allowing Ordinary Commissions and Fees and for Distribution*] ordering distribution to the Petitioners be reinstated; and
- (e) That the Fresno County Public Administrator [is] to distribute all estate assets to the Petitioners pursuant to the 3/12/2007 [*Order Settling First and Final Account, etc.*] as reinstated.

Objector's Statement Pursuant to the Court Order Dated 5/4/2011 and Proof of Service Thereof filed by Attorney Fanucchi on 5/9/2011 contains a letter from Attorney Fanucchi to Attorney Alabart dated 5/9/2011, stating in sum:

- He has reviewed Attorney Alabart's "meet and confer communication" dated 5/4/2011 and offer the following responsive comments with a copy to the Court to serve as his report in writing pursuant to the Court's 5/4/2011 order;
- He is disappointed by the timing of Attorney Alabart's "meet and confer" effort; since it was Attorney Alabart's clients who are seeking affirmative relief in this matter, it was incumbent upon Attorney Alabart to initiate the meet and confer process and participate in it in good faith; sending him a letter on the afternoon of 5/4/2011 setting forth Attorney Alabart's positions on various issues (not supported by any legal authority or record citation), and demanding his responses by 5/5/2011 (and directing him to support his responses with legal authority or record citation), is simply not indicative of a good faith attempt on Attorney Alabart's part to comply with Judge Oliver's directive to attempt to reach an agreement as to the nature of issues (factual or legal) that Attorney Alabart's *Petition* requires Judge Oliver to decide;
- Attorney Alabart's "meet and confer" letter completely ignores the issues and facts raised by the opposition papers his office has filed on behalf of Maria Sanchez;
- The majority of the issues raised in the opposition brief are pure questions of law based on the factual assertions alleged in Attorney Alabart's *Petition* which, if answered in favor of Maria Sanchez, result in the denial of Attorney Alabart's *Petition* without the Court ever reaching or having to consider any of the issues identified in Attorney Alabart's "meet and confer letter;"
- The threshold dispositive questions of law presented by Maria Sanchez' opposition, which may be determined by Judge Oliver as a matter of law solely on the *Petition* and opposition papers filed are:
 1. Whether Attorney Alabart's clients may collaterally attack the Court's 10/12/2007 and 11/5/2007 orders ("Sanchez Orders") granting Ms. Sanchez' motion for reconsideration of the Court's 3/12/2007 Order Settling First and Final Account, or the Court's 4/4/2008 order for partial distribution, or whether they are conclusively bound by the Sanchez Orders because:
 - (a) Attorney Alabart's client's address for service in this probate proceeding was conclusively established by the Court's September 2005 order admitting the Decedent's Will to probate; or
 - (b) Attorney Alabart's client's address for service in this probate proceeding as a matter of law, and all required notices were served on Attorney Schnetz; or
 - (c) Attorney Alabart's clients voluntarily participated in this probate proceeding and sought the benefit of the Court's jurisdiction over them without ever suggesting a lack of such jurisdiction.

~Please see additional page~

Objector's Statement filed by Attorney Fanucchi on 5/9/2011, continued:

2. Whether Attorney Alabart's clients may claim that the Sanchez Orders are invalid because of legal error, or whether they are conclusively bound by the Sanchez Orders because the Sanchez Orders have become final; and
 - (a) the Sanchez Orders are not void on the face of the record; or
 - (b) the Sanchez Orders were not entered as the result of extrinsic fraud.
 3. Whether Attorney Alabart's clients may seek reconsideration of the Sanchez Orders or whether they are prohibited from doing so because:
 - (a) Their request for reconsideration is much, much too late because the Sanchez Orders have been final or years; or
 - (b) Their request for reconsideration is not supported by a legally sufficient showing of diligence on their part.
- There are purely legal questions and factual questions for Judge Oliver to decide, including: Sanchez' evidentiary objections contesting admissibility of Alabart's evidence; what Mexican law applies to the issues in this probate proceeding and how the applicable Mexican law should be interpreted and applied to those issues; factual issues such as the truth of the story of Alabart's clients not having notice of the proceeding; whether the Mexican law and the events in Mexico are actually as they have been represented; disputes regarding alleged misrepresentations made by Sanchez' attorneys; whether the Court's ambiguous statement at hearing on 8/27/2007 regarding giving notice of the continuance of hearing was directed to the Court Clerk, the Public Administrator, or to Sanchez' attorneys; and whether Alabart's clients were given notice of the continuance in conformity with the Court's ambiguous statement on 8/27/2007 by the first sentence of the *Reply to Declaration of Heather Kruthers* served by Sanchez' attorneys on Alabart's clients; (*please refer to pages 2 and 3 of Objector's Statement for complete list.*)

Petitioners' [Aldredo Banda Arriaga and Remedios Nieto Rodriguez] Request for Judicial Notice filed on 7/8/2011 states:

- Pursuant to Evidence Code § 452, Petitioners request this Court take Judicial Notice of the document attached as *Exhibit A* to the request, which is also being sent to the Court through diplomatic channels as a *Letter Rogatory* and should be received shortly by the Court; [*Note: Court records do not show receipt of a Letter Rogatory from the Court in Mexico.*]
- *Exhibit A* is a copy of an Apostilled document, the original of which will remain in the possession of Attorney Alabart in accordance with the same terms of the Court's *Minute Order* of 4/26/2011, until ordered otherwise.

Note: The apostilled document attached as Exhibit A to the Request for Judicial Notice filed 7/8/2011 consists of:

- (1) Spanish language documents, some of which contain handwritten strike-outs on the pages; the documents appear to contain a court order from a court in Mexico; and
- (2) English language translations of Spanish language documents (which translations appear to have been made by a non-native English translator).

Atty Alabart, Javier A. (for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
Atty Ruiz, Eddie (co-counsel by association for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
Atty Fanucchi, Edward L. (for Maria Luisa Sanchez, Respondent, purported spouse)
Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)
Atty Williams, Robert; Perez, Holley, of Perez, Williams & Medina (*Request for Special Notice* filed 11/17/2009)

Status Hearing Re: Accounting

DOD: 5/14/2004	ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ , parents, were <u>initially</u> to be distributed by <i>Order Settling First and Final Account and Report of Administrator and Allowing Ordinary Commissions and Fees and for Distribution</i> which was signed and filed on <u>3/12/2007</u> the Decedent's estate in the amount of \$189,958.21 at 50% to each.	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 10/18/2011.</u>
Cont. from 101811		<u>Note for background:</u> <i>Minute Order</i> dated 8/30/2011 from the last status hearing on the accounting states Ms. Kruthers advises the Court that there is about \$70,000.00 that is questionable. The Court directs Ms. Kruthers to prepare an accounting absent a distribution. <i>(Please refer to Second Additional page for account information.)</i>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>MARIA LUISA SANCHEZ, purported spouse, was <u>subsequently</u> distributed the Decedent's estate by <i>Minute Order</i> dated <u>11/5/2007</u> from the <i>Motion/Petition for Reconsideration of First and Final Account</i>, which states the Court confirms that it has previously granted the [Motion for Reconsideration] on <u>10/12/2007</u> [which found that Ms. Sanchez' <i>Motion/Petition for Reconsideration of First and Final Account</i> ought to be granted, and that the <i>Order on First and Final Account...and for Distribution</i> is <u>revoked</u>], and specifically made a finding that the Mexico decree is the valid one. The Court approved a preliminary distribution to Ms. Sanchez in the amount of \$103,000.00. <i>Receipt on Distribution</i> for this sum was filed on 12/12/2007.</p> <p>Background:</p> <ul style="list-style-type: none"> <i>Minute Order</i> dated 11/5/2007 from the hearing on the <i>Petition for Reconsideration</i> set the matter on <u>2/11/2008</u> for <i>Status Re: Accounting records from Mr. Perez</i> (which was continued to 3/3/2008, then to 6/2/2008.) <i>Minute Order</i> dated 6/2/2008 from the hearing on the <i>Status Re: Accounting records from Mr. Perez</i> states Attorney Fanucchi requests to be appointed attorney to pursue the matter against Mr. Perez; matter set for status on 6/30/2008, which was moved to 6/23/2008 by <i>Order Granting [Attorney Fanucchi's] Ex Parte Petition to Move Status Hearing to June 23, 2008</i>. 	
		Reviewed by: LEG
		Reviewed on: 11/8/11
		Updates:
		Recommendation:
		File 1B – Banda-Nieto

Background, continued:

- **Minute Order dated 6/23/2008 from the Status Re: Accounting records from Mr. Perez** states Public Administrator will remain [as Administrator], and continued the matter to 8/25/2008; *Minute Order* dated 8/25/2008 from the *Status Re: Accounting records from Mr. Perez* states Attorney [Holley] Perez represents to the Court that she is having ongoing discussions with Mr. Fanucchi and feels the status hearing could come off calendar. No appearance by Attorney Fanucchi or status report filed, the Court will take the matter off calendar. [Note: The Court did not set any further status hearings on the accounting records since the 8/25/2008 hearing.]
- **PUBLIC ADMINISTRATOR filed on 12/31/2008 a Final Report of Administrator and Petition for Allowance of Extraordinary Fees and Payment of All Outstanding Commissions and Fees and for Final Distribution**, with hearing set for 2/9/2009; *Ex Parte Petition to Move Final Report of Administrator* was filed by Attorney Fanucchi on 1/21/2009 stating he had a schedule conflict and because of the serious matters in this case and he is the attorney most familiar pertaining to an accounting from Attorney Perez, he needs to be present at the hearing on the final report of the administrator. *Order Granting Ex Parte Petition to Move Final Report of Administrator* was signed 1/27/2009 and the matter was moved to 3/9/2009. *Minute Order* dated 3/9/2009 on the *Final Report of Administrator* continued the matter to 4/13/2009.
- **Minute Order dated 4/13/2009** on the *Final Report of Administrator and Petition for Allowance of Extraordinary Fees and Payment of All Outstanding Commissions and Fees and for Final Distribution* shows the petition was denied and dismissed without prejudice.
- **Following the dismissal dated 4/13/2009, Court records show the next pleading requesting an order for relief filed in this matter** is the *Petition to Vacate, Void, Strike and Revoke Any and All Prior Orders Adverse to Petitioners After the March 12, 2007 Order of Distribution, etc.*, filed on 8/17/2010 by Attorney Alabart on behalf of the Decedent's parents.

Declaration of Heather H. Kruthers Regarding Accounting by the Public Administrator filed on 10/5/2011 states:

- She is the attorney responsible for the handling of this matter for all purposes, including preparation of an account as ordered by the Court at the hearing on 8/30/2011;
- Since this is not a final account nor a request for distribution, this declaration serves to provide the accounting schedules (*attached as Exhibit A*) showing receipts and distributions during the Public Administrator's administration of this estate.

Note: *Proof of Service* attached to the *Declaration of Heather H. Kruthers* filed 10/5/2011 shows a copy of the Declaration was mailed to Attorney Javier Alabart, Attorney Edward Fanucchi, and Attorney Holley Perez on 10/4/2011.

Note: Please refer to Second Additional Page for information obtained from *Exhibit A*, the Public Administrator's *First Account* schedules.

*First Account of Public Administrator:***Account period: 9/23/2005 – 8/31/2011**

Accounting	-	\$214,752.49
Beginning POH	-	\$203,823.43 (<i>per Final Inventory & Appraisal filed on 9/13/2006</i>)
Ending POH	-	\$109,195.36 (<i>all cash</i>)

Note: Schedule entitled *Changes in Assets During the Account Period* identifies the following:

- Two accounts that were closed per Court order (no dates indicated);
- The opening and closing of pooled certificate of deposit accounts at approximately 6-month to 2-year intervals on various dates at different banks; and
- A United Security Bank account that was closed by Robert Perez, former Trustee (no date indicated.)

Schedule A, Receipts includes interest earned from the banks that hold Decedent's pooled certificates of deposit, but does not include any interest earned from the United Security Bank account, which may reflect that the account was closed prior to the Public Administrator's *First Account* period. *Final Inventory & Appraisal* filed on 9/13/2006 by the Public Administrator indicates a sum of \$106,200.59 was deposited in the United Security Bank account as of the date of Decedent's death (5/14/2004), and this sum is included in the beginning property on hand of this *First Account*.

(1) Ninth and Final Account and Report of Conservator, Petition for Its Settlement, and (2) for Payment of Attorneys' Fees, Paralegal Fees, and Costs; (3) Order for Withdrawal of All Blocked Conservatorship Accounts; (4) Termination of the Conservatorship; (5) Termination of the Conservator's Bonds; Discharge of the Conservator (Prob. C. 1060-1064; 2640; Cal. Rules of Ct. 7.703, 7.750-7.754

Age: 41	TOU E. LEE , Conservator with bond of \$200,000.00	NEEDS/PROBLEMS/COMMENTS:
DOB: 1-21-70	and blocked accounts, is Petitioner.	
	Account period: 1-1-09 through 12-31-09	Note: Petitioner requests termination of the bond; however, bond cannot be terminated until the proper receipts and ex parte petition for discharge is filed. The order has been interlineated appropriately.
	Accounting: \$ 996,948.27	
	Beginning POH: \$ 890,532.72	
	Ending POH: \$ 952,720.68	
<input type="checkbox"/> Aff.Sub.Wit.	Account period: 1-1-10 through 12-31-10	
<input checked="" type="checkbox"/> Verified	Accounting: \$ 1,058,093.26	
<input type="checkbox"/> Inventory	Beginning POH: \$ 952,720.68	
<input type="checkbox"/> PTC	Ending POH: \$ 1,009,620.24	
<input type="checkbox"/> Not.Cred.	Account period: 1-1-11 through 12-31-11	
<input checked="" type="checkbox"/> Notice of Hrg	Accounting: \$ 1,085,923.19	
<input checked="" type="checkbox"/> Aff.Mail W	Beginning POH: \$ 1,009,620.24	Reviewed by: skc Reviewed on: 11-9-11 Updates: Recommendation: File 2A - Xiong
<input type="checkbox"/> Aff.Pub.	Ending POH: \$ 1,047,755.41	
<input type="checkbox"/> Sp.Ntc.	Conservator: Not addressed	
<input type="checkbox"/> Pers.Serv.	Attorney: \$4,540.00	
<input type="checkbox"/> Conf. Screen	(6.2 attorney hours @ \$200.00/hr and 33 paralegal hours @ \$100.00/hr)	
<input type="checkbox"/> Letters	Costs: \$395.00 (filing)	
<input type="checkbox"/> Duties/Supp	Petitioner states the conservatorship is in a condition to be closed and requests termination as previously recommended by the Court Investigator.	
<input type="checkbox"/> Objections	Petitioner prays for an Order:	
<input type="checkbox"/> Video Receipt	1. Settling and allowing this final account;	
<input type="checkbox"/> CI Report	2. Approving and confirming the acts of Conservator;	
<input type="checkbox"/> 9202	3. Releasing all blocked conservatorship accounts;	
<input checked="" type="checkbox"/> Order	4. Authorizing payment of the attorney's fees and costs;	
<input type="checkbox"/> Aff. Posting	5. Terminating the conservatorship;	
<input type="checkbox"/> Status Rpt	6. Terminating the bonds;	
<input type="checkbox"/> UCCJEA	7. Discharging Conservator upon filing of an ex parte petition for discharge	
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

		<p>GARY G. BAGDASARIAN was Court appointed to represent the Conservatee on 9-28-07.</p> <p>Toe E. Lee was appointed Conservator on 12-23-99.</p> <p>Petitioner requests fees in connection with the representation of Conservatee since 2007.</p> <p>Petitioner asks that he be paid from the conservatorship estate for 10.10 hours @ \$250.00/hr for a total of \$2,445.00.</p> <p>Services are itemized by date and include review of accountings, conferences with counsel for conservator, court appearances, conferences with conservatee regarding termination, and preparation of this petition for compensation.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 11-8-11	
			Updates:	
			Recommendation:	
			File 2B – Xiong	

Age: 16 years DOB: 9/14/1995		<p>GARY SCHAFFER and SHANA SCHAFFER, paternal uncle and aunt/Guardians, are petitioners.</p> <p>The Court file contains the following information:</p> <ul style="list-style-type: none"> The guardianship estate receives approximately \$2,000.00 per month income from Worker's Compensation Appeals Board. The funds are placed into a blocked account. Guardians receive \$1,020.00 from Social Security for the minor's benefit. This money is paid directly to the guardians for the minor's support and is not accounted in the court accountings. The Guardians are allowed to withdraw up to \$280.00 per month from the blocked account for services provided by Dr. Robert D. Wells. The Guardians are allowed to withdraw \$410 per month for Cullinan Education Center. <p>Petitioners state they have become aware that Kaleb was entitled to Survivor Income based on a life insurance policy through Standard Insurance Company held by North Central Fire District for Kaleb's deceased father. Kaleb is entitled to survivor income in the sum of \$1,247.75 per month. The last payment was made in January 2009, thus, Kaleb would be entitled to a total amount of \$30,432.50 and thereafter monthly payments of \$1,247.75 until he is age 19 or age 23 as long as he remains a full time student. Standard Insurance Company will not release the funds without a Court Order because the Letters specify "guardian is not authorized to take possession of money or any other property without a court order."</p> <p style="text-align: center;"><i>Please see additional page</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Attorney fee statement for attorney Brian Pinion includes a bill dated February 2, 2010 showing a past due balance of \$2,082.27 and a payment of \$1,642.53. Mr. Pinion was allowed fees pursuant to Court order dated 8/13/10 totaling \$8,875.00 for services rendered through 12/10/09 and attachment 6E shows was paid on 8/17/10. The first entry on the February 2, 2010 statement is for 1/21/10. Need billing statements for 12/11/09 through 1/21/10 showing what services were provided totaling \$442.74 (the difference between the past due amount of \$2,082.27 and the payment of \$1,642.53).</p> <p style="text-align: center;"><i>Please see additional page</i></p>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: KT
Reviewed on: 11/10/11
Updates:
Recommendation:
File 3 - Schafer

Petitioners therefore request the Court order the funds currently held from Standard Insurance Company, be deposited into a blocked account at WestAmerica Bank.

Petitioner state as of this year, Kaleb is no longer in need of tutoring from Cullinan Education Center and has stopped attending.

Current balance of the blocked account is \$50,059.09

Petitioners request authority to withdraw funds from the blocked account as follows:

1. **\$4,930.00** for bedroom furniture, school clothes and personal expenses for minor. Petitioners state the minor has recently moved into his own room in their home and does not have any bedroom furniture. Kaleb has also outgrown his entire wardrobe and will need to purchase all new clothes. Kaleb has shown an interest in weight lifting and body building and would like to pursue this hobby.

• Bed	\$ 400.00
• Chest	\$ 350.00
• Nightstand	\$ 200.00
• Desk	\$ 300.00
• Chair	\$ 130.00
• Television	\$ 300.00
• Laptop	\$ 450.00
• School clothes	\$ 600.00
• Paint & materials (for bedroom)	\$ 250.00
• Dumbbell Set	\$ 350.00
• Gold's Gym Bench & Machine	\$1,000.00
• 225 lb. Olympic plate set	\$ 600.00
Total	\$4,930.00

2. **\$2,895.00** to Attorney Brian Pinion for attorney fees in connection with the guardianship.
3. **\$2,532.89** to Attorney Nancy Stegall for attorney fees for the preparation of this petition.

Additional NEEDS/PROBLEMS/COMMENTS:

2. Attorney fee statement for attorney Brian Pinion includes \$197.15 in interest on unpaid balances. Probate Code §2647 states, "No attorney fees may be paid from the estate of the ward or conservatee without prior court order. The estate of the ward or conservatee is not obligated to pay attorney fees established by any engagement agreement of other contract until it has been approved by the court." Therefore, it appears that the attorney should not be allowed interest on the unpaid attorney fees.
3. Attorney fee request for attorney Nancy Stegall includes \$395.00 for "cost to file Petition." Pursuant to the court's case management system, the payment to file the petition was \$40.00.

Please see additional page

Additional NEEDS/PROBLEMS/COMMENTS:

- 4. Attorney fee request of attorney Nancy Stegall includes reference to an invoice that is not included in the declaration for \$110.00 dated 12/28/10. Nancy Stegall did not substitute into this matter until February 2011. Need billing statement for the 12/28/10 invoice.**
- 5. Nancy Stegall's attorney fees declaration includes \$4.14 in costs for postage and copies. Local Rule 7.17B states postage and copies are considered by the court to a part of the cost of doing business and are not reimbursable costs or fees.**
- 6. Need Order**
- 7. Need Order to Deposit Funds into Blocked Account.**

(1) First and Final Account and Report of Personal Representative and Petition for Its Settlement; (2) for Allowance of Commissions and Attorney's Fees for Ordinary Services and Extraordinary Services; and (3) for Final Distribution (Prob. C. 11640)

DOD: 2-16-10		BRUCE D. BICKEL , Executor with full IAEA without bond, is Petitioner. Account period: 2-15-10 through 8-31-11 Accounting: \$417,862.09 Beginning POH: \$453,900.54 Ending POH: \$414,315.37 Executor (Statutory): \$9,085.79 (Reduced by 20% per Court Order 1-4-11) Executor (Extraordinary): \$3,262.50 (Executor requests extraordinary fees at an hourly rate of \$150.00 in connection with services regarding litigation over the will and settlement of such litigation, special administration for release of claims, and sale of personal property. Executor's.) Attorney (Statutory): \$11,375.24 Attorney (Extraordinary): \$4,028.00 (Attorney requests extraordinary fees in connection with the will contest and competing petition for probate, and subsequent litigation and settlement. Fees requested include 11.8 attorney hours @ \$275.00/hour and 5.4 paralegal hours @ \$145.00/hour.) Closing: \$5,000.00 Distribution pursuant to Decedent's will dated 10-23-97 (admitted to probate on 1-4-11): Shriners Hospitals for Children: \$72,627.84 cash plus Annuity policy (payments from Metropolitan Life Insurance Company – anticipated scheduled payments include \$100,000.00 in 2015, \$100,000.00 in 2020 and \$250,000.00 in 2025)	NEEDS/PROBLEMS/COMMENTS:	
			<u>Note:</u> Petitioner discloses that he is also of counsel with Baker, Manock & Jensen, PC. Both parties waive and renounce all interest in the other party's compensation and agree not to share in the other party's fees either directly or indirectly.	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail		W	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
			Reviewed by: skc Reviewed on: 11-8-11 Updates: Recommendation: File 4 - Collins	

Age: 18 years DOB: 8/20/1993		<u>TEMPORARY EXPIRES ON 11/16/11</u>		NEEDS/PROBLEMS/COMMENTS:
		<u>GENERAL HEARING DATE VACATED</u>		
		RAYMUNDA CRUZ de SANTIAGO , cousin, is petitioner.		This minor turned 18 on 8/20/2011.
		Raymunda Cruz de Santiago was appointed temporary guardian on 6/21/11.		
Cont. from 081511, 081711, 100511		Petitioner states she is prepared to file petition with the United States Citizenship and Immigration Services ("USCIS") on behalf of the minor, Bernardo to adjust his alien status to Special Immigration Juvenile Status. As prerequisite for this classification, a state juvenile court must first make findings which are set forth in the Judicial Council of California form JV-224, as follows:		Continued from 10/5/11. Minute order states the Court notes for the record that it has jurisdiction to hear the matter. Counsel requests a continuance to conduct further research on the issue before the Court. The Court directs counsel to submit any documents by 11/2/11. Matter continued to 11/16/11.
Aff.Sub.Wit.		a) The child is a dependent on the juvenile court or has been legally placed under the custody of, and agency or department of a state, or an individual or entitled appointed by a state or juvenile court, within the meaning of 8 U.S.C. §1101(a)(27)(J);		
Verified	X	b) Reunification of the child with one or both parents is deemed to not viable by reason of abuse, neglect, or abandonment, or by reason of a similar basis under California law; and		Ex Parte Order for an Extension of Time to File Points and Authorities to 11/9/11 was signed on 11/3/11.
Inventory		c) It is not in the best interest of the child to be returned to his or her parent's country of nationality or his last habitual residence, and it is in the child's best interest to remain in the United States.		
PTC		The Juvenile court order, finding facts as set forth on the Juvenile Council form JV-224, is one of the initial documents that must be submitted to the USCIS in support of BERNARDO's form I-360 petition for classification as a special immigrant juvenile.		<ol style="list-style-type: none"> 1. Petition was not verified. Probate Code §1021. 2. Need <i>Notice of Hearing</i>. Probate Code §1042. 3. Need proof of service of the <i>Notice of Hearing</i> or waiver of notice for Bernardo Guadalupe Aragon Hernandez (former minor)
Not.Cred.				
Notice of Hrg	X			
Aff.Mail	X			
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
✓ Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				

Petitioner states this Court should find that BERNARDO meets the eligibility for Special Immigration Juvenile Status because his is within the jurisdiction of this Court, has been declared a dependent of this Court, and is the subject of a guardianship order issued June 20, 2011, that remains in full force and effect. In addition BERNARDO cannot be reunified with his parents because they are both deceased.

Petitioner prays for an Order:

1. That BERNARDO GUADALUPE AGAGON HERNANDEZ was found to be within the jurisdiction of the Juvenile Court under Welfare and Institutions §300 or 602; declared dependent on the juvenile court of Fresno County on June 20, 2011, and remains under this Court's jurisdiction;
2. That reunification of the minor with one or more of his parents is deemed not viable by reason of abuse, neglect or abandonment of the minor or by a reason of a similar basis under California Law;
3. That it is not in the best interest of the minor to be returned to Mexico, which was his previous country of nationality and habitual residence and that it is in the best interest of the minor to remain in the United States.

Points and Authorities in support of the Probate Court having jurisdiction to make requested findings filed on 8/16/11.

Amended Points and Authorities in support of Probate Court having jurisdiction to make requested findings filed on 8/17/11.

Supplemental Points and Authorities in Support of Request for an Order and Findings Regarding Eligibility for Special Immigration Status filed on 11/9/11.

Petition for Settlement of First and Final Account and Report of Trustee and Final Distribution and Termination of Trust [Probate Code 16063 and 17200 (b)(5)]

			PATRICIA E. MAHONEY , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Account period: 7/7/03 – 12/31/10	
			Accounting - \$2,753,171.11	
			Beginning POH - \$2,101,332.48	
			Ending POH - \$ 134,047.53	
Cont. from 090611,			Trustee - \$20,774.00 (already paid)	
<input type="checkbox"/>	Aff.Sub.Wit.		Attorney - \$52,354.77 (already paid)	
<input checked="" type="checkbox"/>	Verified		Petitioner prays for an Order of this Court:	
<input type="checkbox"/>	Inventory		1. Settling and allowing the First and Final Account as filed;	
<input type="checkbox"/>	PTC		2. The administration of the Trust be brought to a close and the Trust be terminated;	
<input type="checkbox"/>	Not.Cred.		3. Ratifying, confirming, and approving all of the acts and transactions of Petitioner as Trustee;	
<input checked="" type="checkbox"/>	Notice of Hrg		4. Ratifying the payment of the accounting, legal, financial and other professional services described in the account;	
<input checked="" type="checkbox"/>	Aff.Mail	W/	5. Ratifying the payment to Petitioner for her services as Trustee;	
<input type="checkbox"/>	Aff.Pub.		6. Ratifying the distributions that have been made to Susan L. Gratz; Barbara D. Eggbrouwer and Patricia E. Mahoney;	
<input type="checkbox"/>	Sp.Ntc.		7. Ratifying the cash distributions made to Annelise Eggbrouwer, Lou Eggbrouwer, Eric Gratz, Rick Gratz, Lance Mahoney and Michael Mahoney and authorizing the distribution of the balance of the coins on hand;	
<input type="checkbox"/>	Pers.Serv.		8. Authorizing and directing Petitioner to reserve the balance of cash on hand after the payment of expenses for insurance, property taxes, electrical and other expenses related to Lazy B Ranch real property; that Michael Mahoney be designated as agent for payment of these expenses.	
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections	W/		
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<i>Please see additional page</i>				Reviewed by: KT Reviewed on: 11/10/11 Updates: Recommendation: File 6 - Beasley

Objections to Petition for Settlement of First Account and Request for Removal of Trustee, Surcharge of Trustee and other Remedies filed by Barbara D. Beasley-Eggbrouwer and Susan L. Gratz on 11/1/10.

Objectors allege the Trustee breached her duty to administer the Trust according to the terms of the trust instrument and Objectors request that Patricia E. Mahoney be removed as trustee of the Trust, because of the following:

- a. The Trust required the Trustee to segregate and divide the trust estate into two trusts upon the death of Barbara J. Beasley on 7/7/03, and to hold and administer such trusts as separate trusts. The Trustee failed to make that segregation and division.
- b. As a result of the failure to divide the trust estate into two separate trusts, the Trustee did not determine what property should be included in Wilbur S. Beasley's estate for federal estate tax purposes and whether a federal estate tax return should have been filed for him.
- c. Objectors believe that the federal estate tax returns filed by the Trustee are inaccurate and fail to report all income and deductions of the trust estate.
- d. The Trustee failed to inventory home movies that are part of the Trust estate. Objectors believe that the Trustee has possession of the home movies. Objectors request that the Trustee make copies of all home movies and distribute one copy to Patricia E. Mahoney, Susan Gratz and Barbara Beasley-Eggbrouwer.
- e. Objectors object to the Trustee's proposal for distribution of the coin collection of the trust estate. Wilbur S. Beasley left instructions on how to divide and distribute the coin collection and the Trustee should follow those instructions.
- f. The Trustee included "baseball cards" in the inventory and has not yet distributed the baseball cards.

Objectors state the Trustee breached her fiduciary duty to keep trust property separate from other property not subject to the Trust. The Trustee included in trust administration life insurance proceeds, qualified retirement account proceeds, and mutual fund investments which either should have passed by beneficiary designation or have been subject to probate administration.

Objectors object to the proposed reserve of \$92,854.92 and transfer of the reserve amount to Michael Mahoney, as agent for Lazy B Ranch, which is not a trust asset. Objectors request the entire reserve amount be distributed in equal shares to Patricia E. Mahoney, Susan Gratz and Barbara Beasley-Eggbrouwer. Objectors believe the Trustee is willing to distribute the reserve as requested.

Please see additional page

The Objectors allege:

- a. The Trustee breached her fiduciary duty to administer the trust solely in the interest of the trust beneficiaries. Objectors believe that during the Trust administration, the Trustee and her husband, Lance Mahoney, were separated and getting a divorce. The Trustee allowed Lance Mahoney to live in the trust real property without paying rent. Objectors request the Trustee be surcharged for such breach, according to proof.
- b. The Trustee made a payment on 3/13/2007 of \$4,675 to Mahoney Financial, a financial service company owned by the Trustee's former spouse, for services that Mahoney Financial agreed to provide without charge. Objectors request that Trustee be surcharged for the improper payment, according to proof.

Objectors object to:

- a. Approving monthly payments of \$286.24 from 8/4/03 – 7/8/04, to GMAC Mortgage, totaling \$3,435.90. Objectors believe their parents were not indebted to GMAC Mortgage. Objectors request that the Trustee be surcharged for the improper payments to GMAC, according to proof.
- b. The approval of Trustee's fees of \$20,744.00 because the Trustee has not demonstrated that such amount is reasonable compensation for services. Objectors request that the Trustee be surcharged for the improper payment of trustee compensation, according to proof.
- c. Approving the following expenditures and that the Trustee be surcharged according to proof unless the Trustee can demonstrate that the following expenditures were reasonable and were either (1) properly incurred in the administration of the Trust (2) if not properly incurred, benefitted the Trust;
 - 1) Payment to Harvey Armas, CPA in the total amount of \$7,300.00;
 - 2) Payments to Baker, Manock & Jensen as attorneys for the Trustee in the total amount of \$4,325.75;
 - 3) Payments to Dowling, Aaron & Keeler as attorneys for the Trustee in the total amount of \$52,354.77.

Wherefore Objectors Pray for an order of this Court that:

1. Patricia E. Mahoney be removed as Trustee of the Trust;
2. Copies of home movies be made and distributed to Patricia E. Mahoney, Susan Gratz and Barbara Beasley-Eggbrouwer;
3. The coin collection be distributed according to instructions left by Wilbur W. Beasley;
4. Payment of compensation to the Trustee described in the account be denied;
5. Patricia E. Mahoney be surcharged according to proof;
6. The Trustee be directed to distribute the amounts received from the surcharge and the proposed cash reserve of \$92,854.92 in equal shares to Patricia E. Mahoney, Susan Gratz and Barbara Beasley-Eggbrouwer.

Atty McBride, Julia C., of McBride Law Group of Valencia (for Petitioner Holly Sweeney, daughter)
 Atty Burnside, Leigh, of DAK (for Charlene Smith, surviving spouse)

Petition for Letters Administration; Authorization under IAEA with
 Limited Authority (Prob. C. 8002, 10450)

DOD: 8/13/2010		HOLLY SWEENEY , daughter, is Petitioner and requests appointment as Administrator with Limited IAEA authority and with bond set at \$6,000.00 .	NEEDS/PROBLEMS/COMMENTS: CONTINUED TO 1/5/2012 Per Attorney Request Continued from 9/15/2011 at Attorney McBride's request. 1. Need clarifying information in support of this <i>Petition</i> , which states at Item 3(c) that there is no property in the estate without explaining the reason the <i>Petition</i> has been filed. <i>Creditor's Claim</i> filed 8/12/2011 may provide some information, as the claimant is the Petitioner and "RH/PH Smith RL Trust A & B dated 11/7/1995" in the amount of \$650,000.00; <i>Creditor's Claim</i> indicates the claimants are the Beneficiary and Trustee of the Irrevocable Trust, the dates of the claim are 2001 through 2010, and the facts supporting the claim are stated as follows: "Amounts owed to Richard Howard Smith and Patricia H. Smith Revocable Living Trust, dated 11/7/1995, including subtrusts A and B, by Decedent due to misappropriation of assets of the Trust. The damages are unascertained at this time. The figure of \$650,000.00 represents the original value of Trust B plus estimated net appreciation/gains relating to said assets." 2. Item 8 of the <i>Petition</i> does not state the relationship to Decedent of the persons listed. 3. Need <i>Affidavit of Publication</i> pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9. 4. Need <i>Duties and Liabilities of Personal Representative</i> form, and <i>Confidential Supplement to Duties and Liabilities of Personal Representative</i> form, pursuant to Local Rule 7.10.1 and Probate Code § 8404. 5. Need proposed order and proposed letters.	
Cont. from 091511				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			Limited IAEA – o.k.?
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			Decedent died intestate
<input checked="" type="checkbox"/>	Notice of Hrg			Residence – Fresno
<input checked="" type="checkbox"/>	Aff.Mail			Publication – Need
<input type="checkbox"/>	Aff.Pub.			X
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Duties/Supp	X		
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Letters	X		
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Limited IAEA – o.k.?

Decedent died intestate

Residence – Fresno

Publication – Need

Estimated value of the Estate:

Total - \$ 0.00

Probate Referee: Steven Diebert

**Petition for Letters of Administration; Authorization to Administer Under IAEA
(Prob. C. 8002, 10450)**

DOD: 10-6-11			ALLEN WELLS , Brother, is Petitioner and requests appointment as Administrator with full IAEA without bond. All heirs nominate Petitioner and waive bond. Full IAEA – <i>Need publication</i> Decedent died intestate Residence: Selma Publication – <i>Need publication</i> Estimated Value of Estate: Real property: \$70,000.00 Probate referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of publication in the Selma Enterprise pursuant to Local Rule 7.9.A.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.	X		
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc Reviewed on: 11-8-11 Updates: Recommendation: File 8 – Wells	

**Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee
(Prob. C. § 1860, et seq.)**

DOD: 11/6/09		DEPARTMENT OF DEVELOPMENTAL SERVICES is Conservator. Conservatee died on 11/6/09. The Thirteenth Account was approved on 6/16/09 showing a property on hand balance of \$14,193.12. This status hearing was set for termination of proceedings for deceased conservatee.	NEEDS/PROBLEMS/COMMENTS: Continued from 10/12/11. Minute order states if everything is reviewed and accepted by 11/16/11 no appearance will be necessary. As of 11/8/11 there have been no additional documents filed. 1. Need petition to terminate proceedings for deceased conservatee or current status report.
Cont. from 101211			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 11/8/11	
		Updates:	
		Recommendation:	
		File 9 - Tortorella	

Age: 56	SYLVIA GONZALES , sister, and GUADALUPE PENA , mother, are Co-Conservators. On 4/15/09, the 10 th account for the account period ending 4/30/08 was settled showing an ending property on hand of \$191,840.99. The court set a status hearing for filing of the next account. Minute Order from 6/15/11 indicates there were no appearances and continued the matter to 7/6/11. A copy of the minute order was mailed to attorney Ruth Ratzlaff. Minute Order from 7/6/11 continued the matter to 8/31/11. Minute Order from 8/31/11 states attorney Ruth Ratzlaff requests a continuance.	NEEDS/PROBLEMS/COMMENTS: Continued from 10/19/11. Minute order states Counsel advises the court that she has the accounting balanced, but she still has some questions for her clients. As of 11/8/11 the accounting has not been filed. 1. Need 11 th account or current status report.
DOB: 5/3/1955		
Cont. from 061511, 070611, 083111, 101911		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: KT Reviewed on: 11/8/11 Updates: Recommendation: File 10 – Larssen	

Pro Per Merrill, Samuel R. (Pro Per Co-Guardian, father)

Pro Per Merrill, Aja M. (Pro Per Co-Guardian, mother)

Status Hearing Re: Next Accounting

Age: 5 years		<p>SAMUEL R. MERRILL, JR. and AJA M. MERRILL, parents, were appointed Co-Guardians of the Estate on 7/7/2008, with deposits of \$20,000.00 plus interest to be placed in a blocked account.</p> <p><i>Final Inventory and Appraisal</i> filed 10/2/2008 shows an estate value of \$20,372.31.</p> <p><i>First Account</i> was approved on 10/14/2009. <i>Minute Order</i> of that date set this status hearing for the filing of the next accounting.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Second Account of Maddison Elizabeth Merrill</i> was filed on 11/9/2011, and is set for hearing on 1/17/2012.</p> <p>1. Need second account.</p>
DOB: 6/21/2006			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 11/8/11	
		Updates: 11/9/11	
		Recommendation:	
		File 11 - Merrill	

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 91		PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person and Estate with medical consent powers. Voting rights affected Capacity Declaration was filed 10-12-11. Estimated Value of Estate: Personal property: \$32,233.22 Annual income: \$27,486.12 Total: \$65,719.34	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 10-18-11.</u> <u>Voting rights affected</u> - Need minute order	
DOB: 9-5-20				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states Mr. Karaian is a 91-year-old man diagnosed with dementia and is unable to provide for his own physical, personal and medical needs, referred by VA social worker. He has attempted to find placement for himself, but has not followed through with agreements and as a result, revolves through the VA skilled nursing facility. Mr. Karaian agreed to assistance by Public Guardian. He has one estranged son who is unable to care for him. Court Investigator Charlotte Bien filed a report on 10-27-11. Probate Referee: Rick Smith	Reviewed by: skc Reviewed on: 11-8-11 Updates: Recommendation: File 12 - Karaian	
<input checked="" type="checkbox"/>	Aff.Mail			W
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			W
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et. seq); Failure to File Inventory and Appraisal

DOD: 4-23-10		<p>TAMILA C. JENSEN, Sister, was appointed Executor without IAEA powers on 8-11-10.</p> <p>On 10-13-10, the Court set this status hearing for failure to file an Inventory and Appraisal and for failure to file a first account or petition for final distribution.</p> <p>Executor is ordered to be present unless these items are filed.</p> <p>Notice was sent to Executor on 10-13-11.</p> <p>Status Report filed 11-14-11 states Petitioner has determined that this is a no-asset estate and has filed concurrently a petition to terminate proceedings that is set for hearing on 1-9-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>A Petition to terminate proceedings is set for hearing on 1-9-12.</p> <p><u>Note:</u> Executor is an attorney in Granada Hills, CA.</p> <p><u>Note:</u> California Dept. of Health Care Services filed a Request for Special Notice on 2-22-11.</p>
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
✓ Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 11-8-11</p> <p>Updates: 11-15-11</p> <p>Recommendation:</p> <p>File 13 - Jensen</p>	

Status Hearing Re: Establishment of Guardianship in State of Oregon

Age: 14 years DOB: 06/13/97	ANGELA M. RODRIGUEZ , sister, was appointed guardian on 7/28/10.	NEEDS/PROBLEMS/COMMENTS:
	Father: ROBERT RODRIGUEZ Mother: SALLY HERNANDEZ , deceased	Continued from 9/14/11. Minute order states no appearances. The court continues the matter to 11/16/11. The Court orders Angela Rodriguez to be present on 11/16/11. If the guardianship is established in Oregon and this court receives notice by 11/16/11, no appearance will be necessary. <i>Copy of the Minute Order was mailed to Angela Rodriguez on 9/16/11 and addresses in Kingsburg and Oregon.</i>
Cont. from 091411	Petitioner/Guardian, ANGELA M. RODRIGUEZ , filed a Petition to Fix Residence Outside the State of California on 01/12/11. Said Petition was heard on 02/02/11 and states that a guardianship or its equivalent shall be commenced in the state of the new residence no later than 9/1/11.	
Aff.Sub.Wit.		
Verified	This status hearing is for the status of establishing a guardianship or its equivalent in the State of Oregon.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

15A Joseph M. Perez, Brian Martinez, Heaven Martinez, Hunter Rodriguez & Emily Rodriguez (GUARD/P)

Case No. 11CEPR00580

Atty Legarretta, Nancy Feliz (pro per Petitioner/maternal grandmother)

Atty Rodriguez, Melissa (pro per Petitioner/maternal aunt)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Brian age 8 years DOB: 3/31/03		<p align="center"><u>TEMPORARY EXPIRES 11/16/11</u></p> <p>NANCY FELIZ LEGARRETTA, maternal grandmother and MELISSA RODRIGUEZ, maternal aunt, are petitioners.</p> <p>Father (Brian & Heaven): DEMETRIC MARTINEZ</p> <p>Father (Hunter & Emily): UNKNOWN</p> <p>Mother: GABRIELLA RODRIGUEZ – <i>personally served on 7/21/11.</i></p> <p>Paternal grandfather (Brian & Heaven): Unknown. Paternal grandmother (Brian & Heaven): Debbie Martinez Paternal grandparents (Hunter): Unknown Maternal grandfather: Juan Rodriguez – <i>deceased.</i></p> <p>Petitioners state they are concerned for the well-being of the children because the mother is putting them in danger. She associates with members of the “Bulldogs.” She also allows wanted criminals to babysit. She can’t keep her utilities on. Brian has missed numerous days of school and has not attended this past school year at all. Emily was born positive for drugs.</p> <p>Court Investigator Jennifer Young’s Report filed on 8/31/11.</p> <p>Court Investigator Jennifer Young’s Report filed on 11/9/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition is as to BRIAN, HEAVEN, HUNTER and EMILY only.</p> <p>Continued from 9/6/11. Minute order states the Court states Demetric Martinez needs to be served since the parties are aware of his whereabouts.</p> <p>1. Need proof of personal service, 15 days prior to the hearing, of the Notice of Hearing along with a copy of the temporary petition, or consent and waiver of notice, or declaration of due diligence on:</p> <ul style="list-style-type: none"> a. Demetric Martinez (father of Brian and Heaven) b. Unknown father of Hunter c. Unknown father of Emily <p><i>Please see additional page</i></p>
Heaven age 5 years DOB: 7/9/06			
Hunter age: 1 year DOB: 1/21/10			
Emily age 2 months DOB: 9/5/11			
Cont. from 090611			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv. W/		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: KT
Reviewed on: 11/8/11
Updates:
Recommendation:
File 15A – Martinez & Rodriguez

15A

2. Need proof of service, 15 days prior to the hearing, of the Notice of Hearing along with a copy of the temporary petition, or consent and waiver of notice, or declaration of due diligence on:
 - a. Unknown paternal grandparents of Brian and Heaven – *if court does not dispense with notice.*
 - b. Unknown paternal grandparents of Hunter – *if court does not dispense with notice.*
 - c. Unknown paternal grandparents of Emily
3. Confidential Screening form for Petitioner Nancy Legarretta indicates she has been charged with, arrested for or convicted of a crime deemed to be a felony or a misdemeanor without explaining as required.

15B Joseph M. Perez, Brian Martinez, Heaven Martinez, Hunter Rodriguez & Emily Rodriguez (GUARD/P)

Case No. 11CEPR00580

Atty Perez, Cecilia R. (pro per Petitioner/paternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Joseph age: 13 years DOB: 12/17/1997		<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>CECILIA PEREZ, paternal grandmother, is petitioner.</p> <p>Father: JOSEPH M. PEREZ – <i>personally served on 10/25/11.</i></p> <p>Mother: GABRIELLE RODRIGUEZ – <i>personally served on 10/21/11.</i></p> <p>Paternal grandfather: Anthony Perez Maternal grandfather: Juan – deceased. Maternal grandmother: Nancy Legarretta – <i>personally served on 10/22/11.</i></p> <p>Petitioner states mom is in trouble with CPS. Joseph needs to be in school. Petitioner state since living with her Joseph has brought up his GPA from .38 to 2.25. Petitioner states Joseph would rather live with her than with his mother.</p> <p>Court Investigator Jennifer Young's Report filed on 11/9/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is as to JOSEPH PEREZ only.</p> <ol style="list-style-type: none">1. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waiver of notice on: a. Joseph Perez (minor)2. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: a. Anthony Perez (paternal grandfather)3. Proof of personal service on Joseph Perez (father) in incomplete. It does not indicate that a copy of the petition was served with the Notice of Hearing and it does not include the address and telephone number of the person serving the documents.4. UCCJEA is incomplete. Need residence information for 2006 – 9/2010.
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
✓ Conf. Screen			
✓ Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: KT			
Reviewed on: 11/8/11			
Updates:			
Recommendation:			
File 15B – Martinez & Rodriguez			

15B

16A Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P)

Case No. 11CEPR00795

Atty Pallares, Raul Jr (pro per Petitioner/paternal second cousin)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)
Ptnr- Raul Pallares Jr.

Gabriel age 10 years DOB: 7/13/01		Temporary Granted to maternal grandmother, Judy Coronado and maternal step-grandfather, Louie Coronado. Temporary expires 11/16/11	NEEDS/PROBLEMS/COMMENTS:
Noah age 10 years DOB: 7/13/01			
		RAUL PALLARES, Jr. , paternal second cousin, is petitioner.	This petition is as to GABRIEL and NOAH only.
Cont. from		Father: VICTOR CEDANO – <i>deceased</i>	
	Aff.Sub.Wit.		
✓	Verified	Mother: JENNIFER CEDANO – <i>declaration of due diligence</i>	1. Judy Coronado is the biological maternal grandmother however, mother was adopted as a child. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waive of notice or declaration of due diligence on:
	Inventory		
	PTC	Paternal grandfather: Jesus Cedano – <i>declaration of due diligence.</i>	
	Not.Cred.		
✓	Notice of Hrg	Paternal grandmother: Jennie Reyna - <i>deceased</i>	b. Adoptive (legal) maternal grandfather
		Maternal grandfather: Pete Gutierrez - <i>deceased</i>	
✓	Aff.Mail	Maternal grandmother: Judy Coronado – <i>served by mail on 9/15/11</i>	
	Aff.Pub.		
	Sp.Ntc.	Petitioner states mom is on the run from the law and father is deceased. Petitioner states he would like guardianship of the two boys to avoid having them placed into the system. Other family members are assuming the responsibility for the minors' siblings.	
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections	Court Investigator Dina Calvillo's Report filed on 11/9/11.	
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 11/14/11
✓	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 16A - Cedano

16A

16B Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P)

Case No. 11CEPR00795

Atty Owens, Catrina (pro per Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)
Ptnr- Catrina Owens

Age: 11 years		<p><u>There is no temporary.</u> <u>No temporary was requested.</u></p> <p>CATRINA OWENS, aunt, is petitioner.</p> <p>Father: VICTOR CEDANO – <i>deceased</i></p> <p>Mother: JENNIFER CEDANO</p> <p>Paternal grandfather: Unknown Paternal grandmother: Jennie Hernandez – <i>deceased</i>. Maternal grandfather: Pete Gutierrez – <i>deceased</i>. Maternal grandmother: Judy Coronado</p> <p>Petitioner states mother is currently unfit to care for the minor due to drug use and probation issues.</p> <p>Court Investigator Julie Negrete's report filed on 10/28/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is as to VICTOR only.</p> <ol style="list-style-type: none"> Need <i>Notice of Hearing</i>. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> Jennifer Cedano (mother) Need proof service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> Paternal grandfather (unknown) Judy Coronado (maternal grandmother) Judy Coronado is the biological maternal grandmother however, mother was adopted as a child. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waive of notice or declaration of due diligence on: <ol style="list-style-type: none"> Adoptive (legal) maternal grandmother Adoptive (legal) maternal grandfather UCCJEA is incomplete. Need residence information for 2006 – 4/2010.
DOB: 4/13/00			
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 11/14/11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16B - Cedano</p>	

16B

16C Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P)

Case No. 11CEPR00795

Atty Coronado, Judy (pro per Petitioner/maternal grandmother)

Atty Coronado, Louie (pro per Petitioner/maternal step-grandfather)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)
PTNR- Judy Coronado & Louie Coronado

Alexis age: 12 years DOB: 2/9/99		Temporary Guardianship of Alexis, Gabriel, Noah, Jayden, Victoria and Reyna was granted to Petitioners. <u>Temporary expires on 9/16/11</u> JUDY CORONADO , maternal grandmother and LOUIE CORONADO , maternal step-grandfather, are petitioner. Father: VICTOR CEDANO – <i>deceased</i> Mother: JENNIFER CEDANO Paternal grandfather: Unknown Paternal grandmother: Jennie Hernandez – <i>deceased</i> . Maternal grandfather: Pete Gutierrez – <i>deceased</i> . Maternal grandmother: Judy Coronado Petitioner states the children need a guardian so that they can be in school and because their mother is not able to keep the children at this time. Court Investigator Dina Calvillo's Report filed 11/9/11.	NEEDS/PROBLEMS/COMMENTS: This petition is as to ALEXIS, GABRIEL, NOAH, JAYDEN, VICTORIA and REYNA only.	
Gabriel age 10 years DOB: 7/13/10			7. Need <i>Notice of Hearing</i> .	
Noah age: 10 years DOB: 7/13/10			8. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: b. Jennifer Cedano (mother)	
Jayden age: 5 years DOB: 9/13/06			9. Need proof service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: c. Paternal grandfather (unknown)	
Victoria age: 2 years DOB: 12/18/08			10. Petitioner is the biological maternal grandmother however, mother was adopted as a child. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waive of notice or declaration of due diligence on: e. Adoptive (legal) maternal grandmother f. Adoptive (legal) maternal grandfather	
Reyna age: 2 years DOB: 12/18/08			11. UCCJEA is incomplete. Need residence information for 2006 – 4/2010.	
Cont. from				
<input type="checkbox"/> Verified	<input type="checkbox"/>			
<input type="checkbox"/> Inventory	<input type="checkbox"/>			
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>			
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>			
<input type="checkbox"/> Sp.Ntc.	<input type="checkbox"/>			
<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/> Conf. Screen	<input type="checkbox"/>			
<input checked="" type="checkbox"/> Letters	<input type="checkbox"/>			
<input checked="" type="checkbox"/> Duties/Supp	<input type="checkbox"/>			
<input type="checkbox"/> Objections	<input type="checkbox"/>			
<input type="checkbox"/> Video Receipt	<input type="checkbox"/>			
<input checked="" type="checkbox"/> CI Report	<input type="checkbox"/>			
<input type="checkbox"/> 9202	<input type="checkbox"/>			
<input checked="" type="checkbox"/> Order	<input type="checkbox"/>			
<input type="checkbox"/> Aff. Posting	<input type="checkbox"/>			
<input type="checkbox"/> Status Rpt	<input type="checkbox"/>			
<input checked="" type="checkbox"/> UCCJEA	<input type="checkbox"/>			
<input type="checkbox"/> Citation	<input type="checkbox"/>			
<input type="checkbox"/> FTB Notice	<input type="checkbox"/>			

16D Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P)

Case No. 11CEPR00795

Atty Vasquez, Nicholas (pro per Petitioner/paternal first cousin)

Atty Vasquez, Melissa (pro per Petitioner/paternal first cousin)

Petition for Appointment of Guardian of the Person (Prob. C. 1510) Ptnr – Nicholas & Melissa Vasquez

Age: 14 years DOB: 7/1/1997		<p><u>There is no temporary.</u> <u>No temporary was requested.</u></p> <p>NICHOLAS VASQUEZ and MELISSA VASQUEZ, paternal first cousins, are petitioner.</p> <p>Father: VICTOR CEDANO – deceased</p> <p>Mother: JENNIFER CEDANO</p> <p>Paternal grandfather: Jesus Cedano Paternal grandmother: Jennie Reyna – <i>deceased</i>. Maternal grandfather: Pete Gutierrez – <i>deceased</i>. Maternal grandmother: Judy Coronado</p> <p>Petitioners state the child is in danger of being placed into the system. Mom is on the run from law enforcement. Destiny is living with the petitioners and they would like to continue giving her a safe loving home.</p> <p>Court Investigator Julie Negrete's Report filed on 10/31/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is as to DESTINY only.</p> <ol style="list-style-type: none"> Petitioner Nicholas Vasquez's fee waiver was denied. Therefore a filing fee of \$225.00 is now due. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: c. Jennifer Cedano (mother) Need proof service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: d. Jesus Cedano (Paternal grandfather) Judy Coronado is the biological maternal grandmother however, mother was adopted as a child. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waive of notice or declaration of due diligence on: g. Adoptive (legal) maternal grandmother h. Adoptive (legal) maternal grandfather 	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

16D

Petition for Appointment of Guardian of the Person (Prob. C. 1510)
(Petr: Vickie Vasquez)

16E

16F Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P)

Case No. 11CEPR00795

Atty Tafoya, Nicole Shaheedah (pro per Petitioner/maternal aunt)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)
PTNR- Nicole Tafoya

Age: 11 months DOB: 12/19/2010		<p><u>Petitioner Nicole Tafoya was appointed temporary guardian of Jonah.</u> <u>Temporary Expires on 11/16/11</u></p> <p>NICOLE TAFOYA, maternal aunt, is petitioner.</p> <p>Father: UNKNOWN – <i>declaration of due diligence.</i></p> <p>Mother: JENNIFER CEDANO</p> <p>Paternal grandfather: Unknown Paternal grandmother: Unknown Maternal grandfather: Pete Gutierrez – <i>deceased.</i> Maternal grandmother: Judy Coronado</p> <p>Petitioners state the child is in danger of being placed into the system. Mom is on the run from law enforcement. Destiny is living with the petitioners and they would like to continue giving her a safe loving home.</p> <p>Court Investigator Jennifer Young's Report filed on 11/8/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is as to JONAH only.</p> <p>9. Need <i>Notice of Hearing.</i></p> <p>10. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:</p> <p>e. Jennifer Cedano (mother) f. Unknown father – <i>if court does not dispense with notice.</i></p> <p>11. Need proof service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:</p> <p>f. Paternal grandfather (unknown) g. Judy Coronado (maternal grandmother)</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			X
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: KT
Reviewed on: 11/14/11
Updates:
Recommendation:
File 16F - Cedano

16F

16G Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P)

Case No. 11CEPR00795

Atty Barbosa, Judy (pro per Petitioner/maternal grandmother)

Atty Barbosa, Maximino (pro per Petitioner/maternal step-grandfather)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)
PTNR- Judy & Maximino Barbosa

Age: 11 months DOB: 12/19/2010		<p><u>Petitioner Nicole Tafoya was appointed temporary guardian of Jonah.</u></p> <p><u>Temporary Expires on 11/16/11</u></p> <p>JUDY BARBOSA and MAXIMINO BARBOSA, maternal aunt and uncle, are petitioners.</p> <p>Father: UNKNOWN – <i>declaration of due diligence.</i></p> <p>Mother: JENNIFER CEDANO</p> <p>Paternal grandfather: Unknown Paternal grandmother: Unknown Maternal grandfather: Pete Gutierrez – <i>deceased.</i> Maternal grandmother: Judy Coronado</p> <p>Petitioners state the child is in danger of being placed into the system. Mom is on the run from law enforcement. Destiny is living with the petitioners and they would like to continue giving her a safe loving home.</p> <p>Court Investigator Jennifer Young's Report filed on 11/8/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is as to JONAH only.</p> <p><u>Note:</u> Petitioners filed another petition requesting to be appointed as guardian of Victoria and Reyna. That petition is set to be heard on 1/19/12.</p> <p>12. Need <i>Notice of Hearing</i>. 13. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: g. Jennifer Cedano (mother) 14. Need proof service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: h. Paternal grandfather (unknown) i. Judy Coronado (maternal grandmother)</p> <p><i>Please see additional page</i></p>	
Cont. from				
✓	Verified			
	Inventory			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 11/14/11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16G - Cedano</p>		

16G

- 15. Judy Coronado is the biological maternal grandmother however, mother was adopted as a child. Need proof of service of the *Notice of Hearing* along with a copy of the petition or consent and waive of notice or declaration of due diligence on:**
- k. Adoptive (legal) maternal grandmother**
 - l. Adoptive (legal) maternal grandfather**

Age: 20 months		TEMPORARY EXPIRES 11-16-11 JOANNA HALE , Maternal Grandmother, is Petitioner. Father: ANDREW LAFERTY (?) - <i>Notice dispensed at hearing on 9-28-11</i> Mother: BRITTNEY DEANNA MARTINEZ - <i>Personally served 9-15-11</i> Paternal Grandfather: Unknown Paternal Grandmother: Unknown Maternal Grandfather: John Richard Martinez Petitioner states Mother is on meth and does not care for the child. She puts him in dangerous situations. She says she is hearing voices now. She has been 5150 twice. She keeps telling Petitioner she is going to run to Arizona with the child. She has lost all reality and is high most of the time. Petitioner has been in the child's life since he was born and he is very attached to her. According to the UCCJEA, both Mother and the child have lived with Petitioner since June 2010. Petitioner requests that notice to be Father be excused because she does not know if he is the father, and she does not know his whereabouts, other than Arizona. Petitioner states all she knows is he is an addict that has no part in the child's life. Court Investigator Julie Negrete filed a report on 11-9-11.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Petitioner filed a "Notice of Change of Address" for the child; however, this is an incorrect form for notice of changing a minor's address by a Guardian. For future moves, see mandatory Judicial Council Form GC-080 "Post-Move Change of Residence of Ward" (Probate Code §2352 and Cal. Rule of Court 7.1013). <u>Minute Order 9-28-11 (temporary hearing):</u> Petitioner advises the Court that the father is living in Arizona. The Court dispenses with further notice to the father. 1. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: - John Richard Martinez (Maternal Grandfather)	
DOB: 3-19-10				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
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✓	Notice of Hrg			X
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	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Petition for Settlement of Account and Report and for Approval of Distribution of Trust Assets and for Approval of Trustee and Attorney Fees [Prob. C. 17200(b)(5), (b)(9)]

		<p>PAUL E. QUINN, Trustee, is petitioner.</p> <p>Account period: 4/26/07 – 6/30/11</p> <p>Accounting - \$11,325,750.74 Beginning POH - \$ 9,482,277.28 Ending POH- \$ 294,137.85</p> <p>Trustee - \$5,000.00 (Trustee has already been paid \$288,369.51 during this account period and requests an additional \$5,000 for services to be rendered).</p> <p>Attorney - \$1,500.00 (Attorney has already been paid \$73,634.00 and \$2,937.20 for costs during this account period and requests an additional \$1,500 for services to be rendered)</p> <p>Closing - \$15,000.00</p> <p>Distribution of remaining property on hand, pursuant to the terms of the trust, is to:</p> <p>Richard Jeffery, Jr. - \$24,212.62 Joan Berry Roderick- \$24,212.62 Carleen J. Jeffery - \$24,212.62</p> <p align="center"><i>Please see additional page</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> This matter is to be heard at 2:00 p.m.</p>																																																				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td colspan="2">Cont. from 081711, 092811, 110311</td></tr> <tr><td style="width:10%;"></td><td>Aff.Sub.Wit.</td></tr> <tr><td>✓</td><td>Verified</td></tr> <tr><td></td><td>Inventory</td></tr> <tr><td></td><td>PTC</td></tr> <tr><td></td><td>Not.Cred.</td></tr> <tr><td>✓</td><td>Notice of Hrg</td></tr> <tr><td>✓</td><td>Aff.Mail W/</td></tr> <tr><td></td><td>Aff.Pub.</td></tr> <tr><td></td><td>Sp.Ntc.</td></tr> <tr><td></td><td>Pers.Serv.</td></tr> <tr><td></td><td>Conf. Screen</td></tr> <tr><td></td><td>Letters</td></tr> <tr><td></td><td>Duties/Supp</td></tr> <tr><td>✓</td><td>Objections W/</td></tr> <tr><td></td><td>Video Receipt</td></tr> <tr><td></td><td>CI Report</td></tr> <tr><td></td><td>9202</td></tr> <tr><td>✓</td><td>Order</td></tr> <tr><td></td><td>Aff. Posting</td></tr> <tr><td></td><td>Status Rpt</td></tr> <tr><td></td><td>UCCJEA</td></tr> <tr><td></td><td>Citation</td></tr> <tr><td></td><td>FTB Notice</td></tr> </table>		Cont. from 081711, 092811, 110311			Aff.Sub.Wit.	✓	Verified		Inventory		PTC		Not.Cred.	✓	Notice of Hrg	✓	Aff.Mail W/		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp	✓	Objections W/		Video Receipt		CI Report		9202	✓	Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Reviewed by: KT</td></tr> <tr><td>Reviewed on : 11/10/11</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 1A - Jeffery</td></tr> </table>	Reviewed by: KT	Reviewed on : 11/10/11	Updates:	Recommendation:	File 1A - Jeffery
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1A (additional page 1 of 4) Richard E. & Pauline D. Jeffery Revocable Trust
Case No. 10CEPR00865

Objections to Trustee's Petition for Settlement of Account filed by Richard E. Jeffery, Jr. on 8/16/11 states the Report and Account is incomplete in the following respects:

- A. The Trustee has failed to furnish any vouchers to support any item of receipt or disbursement of Trust money.
- B. The Trustee has failed to provide details of the specific time spent by the trustee for which he seeks approval.
- C. The Trustee has chosen to pay attorney fees without prior notice to the beneficiaries or prior approval by the Court and has made himself amenable to surcharge to the extent the fees are not determined by either to be reasonable or necessary.
- D. Schedule A to the Account does not show all assets belonging to the Trust at the beginning of the account period on April 26, 2007.
- E. The copy of the Trust attached as Exhibit A to the Report does not include the Schedule A referenced in Article 1 of the Trust document.
- F. The personal business records of Richard E. Jeffrey, Pauline D. Jeffrey and Jeffery-Scott, Inc the wholly owned corporation, are assets of the Trust and subject to distribution to the Trust beneficiaries.
- G. The Accounting fails to satisfy the requirements of Probate Code 16063 subdivisions (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6).

Objector alleges the Trustee has multiple conflicts of interest that have resulted in loss to this estate:

- A. The Trustee is the Trustee of this Trust, creating a fiduciary duty to Richard E. Jeffrey and Pauline D. Jeffrey during their lifetimes and to Objector, Joan Berry (Roderick) and Carleen Jeffrey after the deaths of Richard E. Jeffrey and Pauline D. Jeffrey.
- B. The Trustee is also a Trustee of a separate Trust established by Pauline D. Jeffrey, the Pauline D. Jeffrey Trust. The beneficiaries of this separate Trust are Joan Berry (Roderick), and Carleen Jeffrey. Objector is not a beneficiary of the separate Trust.
- C. As a result of his position as Trustee of this Trust, the Trustee is the sole shareholder, sole director and managing officer of Jeffrey-Scott, Inc. and wholly owned by the this Trust.
- D. The Trustee is also a certified public accountant rendering professional accounting services to this Trust and the Pauline D. Jeffrey Trust.
- E. Objector is informed and believes that for many years prior to 2007 the Trustee was employed as a certified public accountant by Richard E. Jeffrey and Pauline D. Jeffrey, their respective Trusts, and JSI. Objector believes that the Trustee has not secured written agreements from the Trust beneficiaries, JSI, Richard E. Jeffrey or Pauline D. Jeffrey waving any of these conflicts of interest.

Objector believes as a result of the foregoing relationships and positions and the conflicts of interest the Trustee has:

- 1. Paid expenses of the Pauline D. Jeffrey Trust and JSI from assets of this Trust
- 2. Improperly allocated exemptions and assets on the Estate Tax Returns;
- 3. Improperly paid from the assets of the Trust income taxes payable by Joan Berry (Roderick), Carleen Jeffrey and/or the Pauline D. Jeffrey Trust.

Please see additional page

Objections continued:

Objector alleges the Trustee has breached his duty of loyalty and has caused losses to the Trust.

- A. The Trustee has self-dealt assets of this Trust by paying himself Trustee fees and expenses and fees and expenses of members of his accounting firm that are in excess of reasonable compensation.
- B. Probate fees for the Trustee and his attorney could have been avoided.
- C. The Trustee has self-dealt with assets of this Trust by paying himself money from JSI that was (1) in excess of the reasonable amount necessary for the management of the business and (2) for a period long beyond it becoming apparent that a bankruptcy proceeding should be filed for JSI thereby excessively reducing the cash on hand in JSI to pay creditors and the Trust beneficiaries.
- D. The Trustee did not have any written employment or engagement letters between himself or Richard E. Jeffrey, Pauline D. Jeffrey, JSI or any Trust beneficiaries regarding his furnishing accounting services to any of such persons or entities at any time.

Objector alleges the Trustee failed to render periodic reports and accounts and to furnish information to beneficiaries upon request.

Objector alleges the Trustee failed to pursue collection of \$200,000 indebtedness owed by Joan Berry Rodrick to Richard E. Jeffrey and his Trust.

The Trustee breached his duty to take and keep possession of trust assets by failing to retain income tax returns, business records and accounting records of JSI, Richard E. Jeffrey and Pauline D. Jeffrey that he has created or taken possession of in the course of his serving as a certified public accountant for such persons or entities.

The Trustee has failed to give access to Objector and/or distribute to Trust beneficiaries accounting and personal business records of Richard E. Jeffrey, Pauline D. Jeffrey and JSI belonging to this Trust.

Wherefore Objector prays:

1. That the Report and Account in its present form to be approved and the Trustee be ordered to amend and supplement his Report and Account in the specifics set forth herein and in compliance with the law;
2. That the Trustee be surcharged to the extent and in the amount which he has (a) paid himself and his attorneys excessive compensation; (b) paid expenses of the Pauline D. Jeffrey Trust and JSI from the assets of this Trust; (c) failed to pursue collection of indebtedness from Joan Berry Roderick to this Trust; and (d) paid himself excessive compensation from JSI for his management services and retention of the operation of the business beyond a reasonable period of time in light of its insolvency.
3. For Objector's reasonable attorney fees and costs incurred in connection with this Objection.

Please see additional page

Petitioner's Response to Richard E. Jeffery, Jr.'s Objections filed on 9/2/11 states Petitioner recognizes that at the August 17, 2011 hearing on the Petition the Court urged the parties to meet in this matter in an attempt to resolve whatever issues and disagreements exist between the parties. So that Petitioner and Richard E. Jeffery, Jr. ("Rick") could have a starting point in terms of discussion, Petitioner prepared this response so that all items could be fully vetted and adequate documentation provided. After filing this response, Petitioner and Petitioner's counsel will contact Rick and his counsel to meet prior to the September 28, 2011 hearing, so that the parties can ultimately reach a solution. Petitioner's responses to the allegations in the Objections are included in the response.

Second Declaration of Robert G. Fishman in Support of Approval of Attorney Fees filed on 9/2/11 states since receipt of the objection, Mr. Fishman and other attorneys at his firm have spent considerable time reviewing Rick's various allegations and contentions and determining the legal implications of such allegations and contentions. In addition, Mr. Fishman and other attorneys at his firm have spent considerable time drafting and preparing a response to each and every contention raised in the Objection. The additional fees total \$11,982.00. Notwithstanding the above incurred and the resulting fees of \$11,982.00, Mr. Fishman's firm will apply a \$1,000 professional discount and only seek payment of \$10,982.0 for such time incurred.

Second Declaration of Paul E. Quinn in Support of Approval of Trustee Fees filed on 9/2/11 states on 8/16/11 he received an e-mail from attorney Michael Milnes, Richard E. Jeffery, Jr.'s ("Rick") written objections to the Petition. As a result of the allegations of misconduct and breach of duty raised in the objections, Mr. Quinn attended the hearing on the Petition. Since receipt of the Objections, Mr. Quinn states he has spent considerable time reviewing Rick's various allegations and contentions. The additional fees total \$3,620.

Third Declaration of Paul E. Quinn in Support of Approval of Trustee Fees filed on 10/19/11 states since the filing of the Petition Ryan, Christie, Quinn and Horn ("RCQ&H") have spent significant time in administering the Trust for which RCQ&H has not been compensated. In particular RCQ&H personnel have done the following since the filing of the petition:

- Respond to issues, allegation and contentions raised by Rick in his Objections.
- Responded to multiple telephone calls from trust beneficiaries regarding their position that the Trust not incur additional expenses responding to additional requests for documents from Rick.
- Meet repeatedly with attorneys regarding Rick's document request.
- Gather, organize and produce records in response to the Document Request (which consisted of approximately 59 separate binders of information, some of which had already been provided to Rick on several occasions).
- Prepare and organize historical invoices of RCQ&H to the Trust and
- Retrieve computer archived records to comply with Document Request which requested certain pre-2004 documents.

Since July 1, 2011 RCQ&H personnel have charged fees totaling \$33,364.50 in the performance of their duties, to which they have not yet been compensated.

Please see additional page

Third Declaration of Robert G. Fishman in Support of Approval of Attorney Fees filed on 10/19/11 states since the filing of the Petition, Fishman, Larson, Goldring & Zeitler (“FLGZ”) attorneys have spent significant time representing Petitioner for which FLGZ has not yet been compensated. In particular, FLGZ attorneys have spent considerable time responding to the allegations raised by Rick in the Objections and responding to the Document Request propounded by Rick. **Since July 1, 2011 through October 14, 2011 the attorneys’ have recorded fees totaling \$28,617.50 in the performance of their duties. In addition the attorneys have incurred direct and indirect costs totaling approximately \$1,286.10.**

Fourth Declaration of Paul E. Quinn in Support of Approval of Trustee’s Fees filed on 11/7/11.

**Petition for Determination that Contest of Richard E. Jeffery, Jr. to Trustee's
Account is without Reasonable Cause and in Bad Faith and for Award of Costs,
Expenses and Fees Against Contestant**

			JOAN BERRY RODREICK and CARLEEN JEFFERY , beneficiaries, are petitioners.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This matter is to be heard at 2:00 p.m. Continued from 11/3/11. Minute order states Mr. Milnes requests a time to file formal written objections. Mr. Milnes is directed to file his objections by 11/10/11. The court sets a status conference on 11/16/11 (<i>please see page 1C</i>). <u>For Objector:</u> 1. Objections filed on 11/10/11 were not signed by the objector nor were they verified. Probate Code §1021.
Cont. from 110311			Petitioners are petitioning the Court for an Order that the third beneficiary, Richard E. Jeffrey, Jr. ("Rick") has acted without reasonable cause and in bad faith in filing and prosecuting objections to Trustee Paul E. Quinn's ("Paul") Petition for Settlement of Account and Report and for Approval of Distribution of Trust Assets and for Approval of Trustee and Attorney Fees and that pursuant to Probate Code §17211(a) Rick be ordered to pay the costs and other expenses incurred (including attorney fees) by Paul and the Petitioners in defending the Account. Petitioners assert that Rick's Objections are without reasonable cause and made in bad faith, with the effect of causing unnecessary expenses to be incurred by the Trust. Petitioners assert that Rick's actions are motivated by his displeasure at his parents' choices regarding the distribution and control of their assets. Namely, Rick is upset that his father chose not to involve Rick in the management of his now defunct business and his mother disinherited him from her separate property trust, valued over 1.7 million. Petitioners believe that Rick is also angry that his parents chose to pay all their estate taxes from their joint trust, so their daughters were not burdened with taxes on what they inherited separately from their mother. Rick's actions have caused and continue to cause unnecessary depletion of Trust assets and are delaying distribution of the Trust estate. <i>Please see additional page</i>	
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✓	Verified			
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	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT Reviewed on: 11/10/11 Updates: 11/14/11 Recommendation: File 1B - Jeffery	

Petitioners assert that Rick acted both without reasonable cause and in bad faith. As to the issue of reasonable cause, most, if not all, of the accusations in Rick's Objection are frivolous, without any objective basis in law or fact. Some of Rick's Objections are redundant and have previously been addressed by Paul, while others are general unsupported allegations. **The bulk of the Objections can be categorized as follows:**

- **Related to JSI.** Rick makes allegations regarding Paul's lack of accounting of JSI, however, ignores the established fact that JSI is a corporation and furthermore is not a Trust asset.
- **\$200,000 Loan to Joan.** Rick argues, despite previous investigation of this claim by Paul, that Joan owes an additional \$200,000 to the Trust. Rick provides no documentary proof of this allegation and does not address the documentation by Paul provided to him previously, which shows no evidence of such indebtedness.
- **Incomplete Report.** Rick alleges that Paul filed an incomplete report citing that Paul failed to either provide certain documentation, obtain approvals from beneficiaries for certain actions, or purportedly failed to follow administrative procedures. Rick does not cite legal authority to support his allegations that Paul did not perform functions as he was supposed to.
- **Conflicts of Interest.** Without citing authority, Rick challenges the Account based on Paul's roles as executor of Richard's and Pauline's estates, as trustee of Pauline's Separate Property Trust, and as trustee of the Trust, stating that it creates a conflict of interest. In fact, Paul was never the trustee of Pauline's Separate Property Trust.
- **Account Updates.** Rick alleges that Paul failed to provide him with periodic reports and updates of the trust administration and stonewalled him when Rick requested information. This allegation, as most of Rick's Objection, is not based in reality. Paul's Response indicates specific instances when Paul provided information or attempted to provide information and Rick has simply ignored him.

In light of the foregoing, Petitioners respectfully request that:

1. This Court find that Rick has acted without reasonable cause and in bad faith in objecting to the Account;
2. This Court order that the Trust be awarded against Rick all compensation, expense, costs, and attorney's fees incurred by the Trust in defending Paul from the Objection, to the extent unreasonable in amounts according to proof;
3. This Court order Petitioners be awarded Petitioners' costs and attorney fees in bringing this Petition, and otherwise opposing Rick's Objection, according to proof to be provided by Petitioners;
4. This Court order that such awards be against Rick to be charged first against Rick's interest in the Trust estate, and to the extent that such interest is insufficient, Rick be held personally liable for the deficiency, and be ordered to pay such deficiency immediately.

Objections to Petition for Determination that Contest or Richard E. Jeffery, Jr. to Trustee's Account is Without Reasonable Cause and in Bad Faith filed on 11/10/11 by Richard E. Jeffery, Jr. Objector states Joan Berry Rodreck and Carleen Jeffery have filed their Petition in an attempt to intimidate their brother, Richard E. Jeffery, Jr. in order to secure his withdrawal of this legitimate Objections to the Trustee's Account and Report in an obvious attempt to prevent disclosure to the Court of their theft of approximately \$270,000 in funds belonging to the Richard and Pauline Jeffery Trust that were used to pay the entire estate taxes on both the Richard and Pauline Jeffery Trust as well as the Pauline Jeffery Trust in the approximate amount of \$2,300,000 due for the estate of their mother, Pauline Jeffery.

Please see additional page

Objections of Richard E. Jeffery, Jr. continued. Objector denies that he had a strained relationship with his parents and his family. Objector denies that he has a history of wasting time and resources. Objector alleges that Jeffery Scott Inc. is a subchapter S corporation that primarily conducted business under the name of Western Products. Petitioners state that JSI is not a Trust asset. This is incorrect. According to the initial Trust documents of the Richard and Pauline Jeffery Trust, Jeffery Scott, Inc. was an initial asset of the Trust and there has been a Trust asset since 2004 when that Trust was created.

Since the filing of the original Objections by Objector he has been furnished additional information that is being evaluated. If possible, the objection may be amended or withdrawn.

Objector stands by his Objections to the Account and Report regarding incomplete information regarding billings by Paul E. Quinn and the law firm representing him.

Objector stands by his allegations of the continued existence of numerous conflicts of interest that Paul E. Quinn had and continues to have, specifically including the conflict of interest resulting from payment of the estate taxes due for the Pauline Jeffery trust.

Objector alleges that contrary to the allegations of the Petition since the initial takeover of the assets of Richard E. Jeffery and Pauline Jeffery by Paul E. Quinn in May 2008, Objector has made numerous requests for information concerning their assets and the administration of the Trust. On at least 10 occasions, meetings with Objector to discuss trust administration were scheduled by Paul E. Quinn and thereafter unilaterally cancelled by him without explanation. Additionally, requests for examination of documents were frequently requested by Objector, and with the exception of two (2) occasions, he was informed by Paul E. Quinn that Petitioners Joan Berry Rodreick and Carleen Jeffery would not permit the examination of the documents.

Objector Prays the Court order as follows:

1. That Petitioners' Petition be dismissed with prejudice;
2. That Petitioners Joan Berry Rodreick and Carleen Jeffery and Paul E. Quinn be ordered to pay Objector Richard E. Jeffery Jr. the amount of estate taxes paid for assets of the Pauline Jeffery Trust in the amount by which his distributive share thereof was reduced, together with interest thereon at ten percent (10%) per annum from September 18, 2008.
3. For Objector's reasonable attorney's fees and costs incurred in connection with this Response.

1C Richard E. & Pauline D. Jeffery Revocable Trust Case No. 10CEPR00865
Atty Jaech, Jeffrey (for Petitioners/beneficiaries Joan Berry Rodreick and Carleen Jeffery)
Atty Fishman, Robert G. (for Trustee Paul E. Quinn)
Atty Milnes, Michael (for Richard E. Jeffery Jr.)

Status Conference

			<p>PAUL E. QUINN, Trustee, filed a Petition for Settlement of Account.</p> <p>RICHARD E. JEFFERY, JR. filed objections to the Accounting.</p> <p>JOAN BERRY RODREICK and CARLEEN JEFFERY, filed a Petition for Determination that Contest of Richard E. Jeffery, Jr. to Trustee's Account is without Reasonable Cause and in Bad Faith and for Award of Costs, Expenses and Fees Against Contestant.</p> <p>At the hearings on 11/3/11 the court set this status conference.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This matter is to be heard at 2:00 p.m.</p>
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